

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

KEITH R. CRUMLEY, by Next Friend ) NO. 1:19-cv-4110 TWP-DML  
Shirley Crumley, )  
)  
Plaintiff, )  
v. )  
)  
KERRY J. FORESTAL, in his official )  
capacity as the Sheriff of Marion County; )  
MARION COUNTY SHERIFF'S OFFICE; )  
BRYAN K. ROACH, in his official capacity )  
as Chief of Police of the IMPD; )  
INDIANAPOLIS METROPOLITAN )  
POLICE DEPARTMENT; OFFICER )  
KHYREE JONES, in his individual capacity; )  
TERESA PIERCE, in her individual capacity; )  
CORRECT CARE SOLUTIONS (A/K/A )  
Wellpath LLC); TYLER BOUMA, in his )  
individual capacity; JOANNA SAHM, in her )  
individual capacity; ROBERT D. )  
FREDERICK, in his individual capacity; )  
DIEDRA D. BAKER, in her individual )  
capacity; WILLIAM WEAVER, in his )  
individual capacity; OFFICER )  
FOXWORTHY (ID 41380), In his individual )  
capacity, )  
)  
Defendants. )

**JOINT MOTION TO REVISE SUMMARY JUDGMENT BRIEFING  
SCHEDULE AND CONTINUE TRIAL DATE**

The parties, by counsel, and for their motion to revise the summary judgment briefing schedule and to continue the trial date, state:

1. Plaintiff 's Partial Motion for Summary Judgment (D#95) was filed on February 05, 2021.
2. Pursuant to this Court's November 12, 2020 Order (D#86) Defendants' cross-motions, briefs in support and responses in opposition are due twenty-eight (28) days thereafter,

or on or before March 5, 2021.

3. Despite due diligence, Defendants' counsel will require an extension of time of twenty-eight days, or to and including April 2, 2021 in which to prepare their cross-motions for summary judgment and response to Plaintiff's Partial Motion for Summary Judgment. In part, this is due to the fact that counsel for the County Defendants has had difficulty reaching some of the individual Defendants to obtain declarations in support of summary judgment because they have left their employment with the Marion County Sheriff's Office during the pendency of this case.

4. Additionally, the November 12, 2020 Order only allowed Plaintiff fourteen (14) days in which to file a reply in support of their Partial Motion for Summary Judgment and a response in opposition to Defendants' motions. Since Local Rule 56-1(b) provides twenty-eight days for the non-movants to file a response, that deadline should be extended to twenty-eight days, or to and including April 30, 2021.

5. Defendants' replies in support of their cross motions would be due fourteen (14) days thereafter, or on or before May 14, 2021.

6. This matter is also currently set for a jury trial to begin on June 7, 2021 (D#46).

7. Given the fact that with the granting of this Motion, summary judgment will not be fully briefed until May 14, 2021, the parties respectfully request that the June 7, 2021 trial date be continued.

WHEREFORE, the parties respectfully request that the summary judgment briefing schedule be extended as follows:

- Defendants' cross-motions, briefs in support and responses in opposition to Plaintiff's Partial Motion for Summary Judgment be extended to April 2, 2021;

- Plaintiff's reply in support of her Partial Motion for Summary Judgment and responses in opposition to Defendant's motions be extended to April 30, 2021; and
- Defendants' replies in support of their cross motions for summary judgment be extended to May 14, 2021.

The parties also request that the June 7, 2021 trial date be vacated and reset at the convenience of the Court.

FROST BROWN TODD LLC

By: /s/Anthony W. Overholt

Anthony W. Overholt, #16481-49

Attorneys for the Marion County Sheriff's  
Office Defendants

/s/Nikki G. Gray (w/permission)

Nikki G. Gray

One of the Attorneys for Plaintiff Keith  
Crumley by next brined Shirley Crumley

/s/Andrew Upchurch (w/permission)

Andrew Upchurch

Attorney for Defendants Kerry J. Forestal,  
Marion County Sheriff's Office, Bryan K.  
Roach, Indianapolis Metropolitan Police  
Department, Khyree Jones, Tyler Bouma,  
Joanna Sahm, Robert D. Fredrick, Deidra D.  
Baker, Tanesha S. Crear, William Weaver  
and Officer Foxworthy

/s/Carol A. Dillon (w/permission)

Carol A. Dillon, #25549-49

One of the Attorneys for Defendant Teresa  
Pierce

FROST BROWN TODD LLC  
201 North Illinois Street, Suite 1900  
P.O. Box 44961  
Indianapolis, IN 46244-0961  
317-237-3800  
Fax: 317-237-3900  
Email: [aoverholt@fbtlaw.com](mailto:aoverholt@fbtlaw.com)

LR10348.0975408 4828-9982-0254v1